

# Order

Michigan Supreme Court  
Lansing, Michigan

February 3, 2016

Robert P. Young, Jr.,  
Chief Justice

151367

Stephen J. Markman  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen,  
Justices

SANFORD N. LAKIN and CECILIA J.  
LAKIN,  
Plaintiffs-Appellees,

v

SC: 151367  
COA: 323695  
Oakland CC: 2014-138683-NO

BARBARA RUND and ST. HUGO OF  
THE HILLS CATHOLIC CHURCH,  
Defendants-Appellants,

and

ANTHONY TOCCO,  
Defendant.

---

On order of the Court, the application for leave to appeal the March 26, 2015 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted. The Court of Appeals shall consider (1) whether publication of an allegedly false and defamatory statement imputing to another conduct constituting the criminal offense of battery is actionable irrespective of special harm, see e.g., *Mains v Whiting*, 87 Mich 172, 180 (1891); *Taylor v Kneeland*, 1 Doug 67, 72 (1843) (holding that words charging a person with a crime are not actionable per se unless the crime involves moral turpitude or would subject the person to an infamous punishment); and (2) whether the statement at issue in this case imputed to the plaintiff the criminal offense of battery.



d0127

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 3, 2016

  
Clerk